Strategies for Complex Section 7 Endangered Species Act Consultations

with examples from
Ft. Leonard Wood, Missouri

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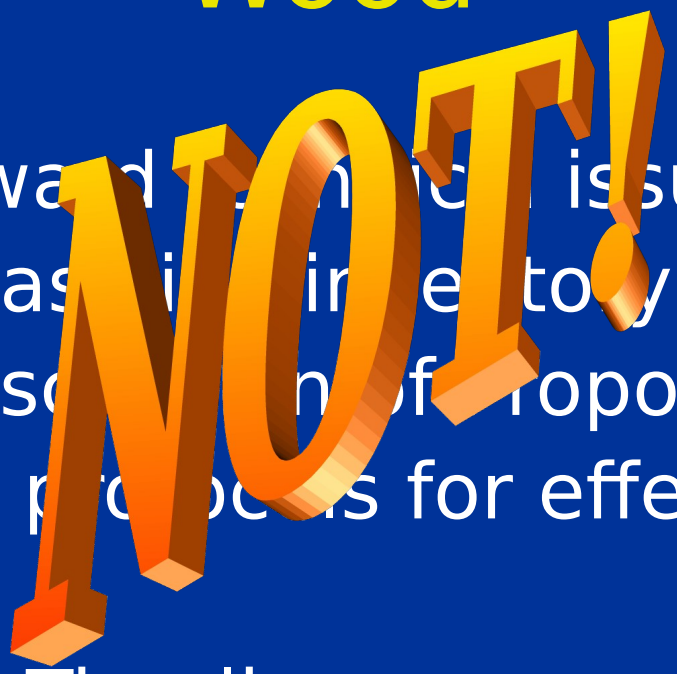
BA's for Ongoing Mission & BRAC Activities at Ft. Leonard Wood

- Straightforward [illegible] issues
- Complete bas[illegible]ine to[illegible] data
- Detailed desc[illegible]n of Proposed Action
- Established p[illegible]ocols for effects analyses
- Single POC
- Reasonable Timeline
- No controversy



Primary Technical Issues

- Indiana bats: year-round
- Gray bats: year-round
- Bald eagle: winter

- Effects: Habitat, sound, toxicology

- Required cutting edge analyses

- Teamed with an EA and an EIS

Establishing Existing Conditions

- Summer mist net surveys
- Spring, summer, fall telemetry
- Swarming and staging chronology
- HEP/HSI analyses

Other Investigations

- Infrared video in caves
- Lab studies
- ERA’s

Other Issues

- Multiple POCs
- Compressed Timeframes
  OGM: ‘93 scoping;
  May ’96 request for formal
  BRAC: Dec ‘95 scoping;
  Sept ’96 request for formal
- Controversy involving BRAC issues nationwide, and expectation of litigation

Recommendations & Examples

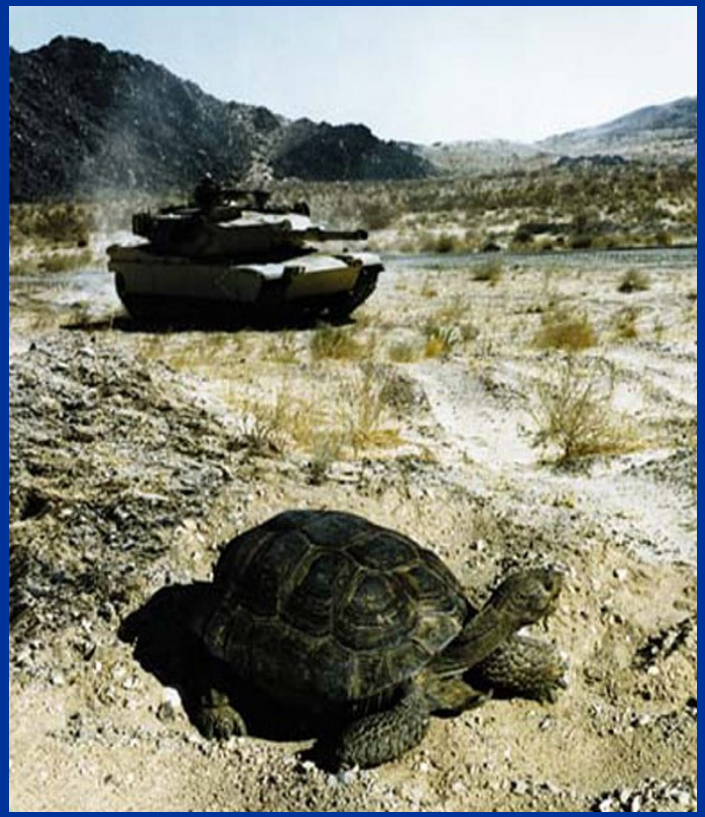
- Foundational Issues
- Process Issues
- The End Game

Foundational Items

- Clear, thorough description of Proposed Action is **critical**
- Where PA isn't clear, consider assessing worst case – may yield needless restrictions and therefore encourage clarity in description of PA
- "Early and often" coordination with FWS including PA and scope of analysis

Foundational Items

- Only analyze Alternative to be implemented
- Define Action Area early on – consider ramifications on CE analysis



Process Items

- Integrate NEPA and ESA scoping to assist in cumulative effects analysis
- If teamed with concurrent NEPA, ongoing coordination is critical
- As in transition from CE→EIS, context drives the magnitude of BA
- Direct, indirect, and cumulative effects

Process Items

- Don’t sweat the difference between direct and indirect effects
- Integrate avoidance, minimization, and compensation into the PA to avoid needless analysis

Process Items

- Only infrequently will your analysis be statistically defensible – do it anyway!
- The “R” word
- Take advantage of established guidance
  - Recovery Plans
  - ESMP
  - Models

Process Items

- Have fall-back plans if high-tech approaches fail
- Incorporate by reference
- Cut out the fluff
- Consider incorporating Ecological Risk Assessment

The End Game

- No Surprises
- Include a clear, concise statement of findings
- OK to express take in currency other than “number of critters”
- “May affect” conclusion not the end of the world

The End Game

- Pre-negotiate your RPMs and T&C's
- Consider monitoring to address uncertainty
- Request a Draft BO/TS
- Publish your results